

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TODOR G. GEORGIEV

Application 09/996,200

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on October 18, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that appellant filed an Appeal Brief on October 12, 2004 using the format set forth in 37 CFR § 41.37(c). However, the Appeal Brief does not comply with 37 CFR § 41.37(c) because it is missing the "Evidence appendix," as set forth in 37 CFR § 41.37(c)(1)(ix)

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and the "Related proceedings appendix," as set forth in 37 CFR § 41.37(c)(1)(x).

A supplemental brief that is in compliance with § 41.37(c) is required. For more information, see the United States Patent and Trademark website www.uspto.gov, and, in particular, the web page entitled "More Information on the Rules of Practice Before the Board of Patent Appeals and Interferences, Final Rule" located at the following URL:

www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html

In addition, the Examiner's Answer mailed March 21, 2005 does not comply with the headings set forth in the new rules under 37 CFR § 41.37(c). Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) to hold the Appeal Brief filed October 12, 2004 defective;

2) for notification to appellant to file a supplemental Appeal Brief in compliance with 37 CFR § 41.37;

3) for consideration of the supplemental Appeal Brief;

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4) to vacate the Examiner's Answer mailed March 21, 2005, and issue a new Examiner's Answer in compliance with the new rules which became effective on September 13, 2004;

5) to have a complete copy of any subsequent Examiner's Answer scanned into the IFW; and

6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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CRF:psb

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